

**From:** Jim Hardwick  
**To:** Microsoft ATR  
**Date:** 1/23/02 2:16pm  
**Subject:** Microsoft Settlement

Hello,

Under the Tunney Act, I wish to comment on the proposed final judgement (PFJ) against Microsoft.

I believe the PFJ does little to address the Findings of Fact (FoF) made by Judge Thomas Penfield Jackson and upheld on appeal. It does not define terms such as "API", "middleware", and "Windows Operating System" in a manner consistent with the FoF or accepted industry and academic definitions, allowing Microsoft to circumvent much of the PFJ. It does not provide a method for enforcing any of the outlined remedies. Most seriously, the PFJ does not encourage competition nor reduce the Applications Barrier to Entry.

I have mentioned a few of my concerns with the PFJ. I agree with the analysis and essay by Dan Kegel (on the Web at <http://www.kegel.com/remedy/remedy2.html>). I have also submitted my name for addition to the "Open Letter to DOJ Re: Microsoft Settlement" (available at <http://www.kegel.com/remedy/letter.html>) which will be sent along with a copy of Dan Kegel's essay to the Department of Justice.

Sincerely,

James Hardwick  
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Embedded Software Engineer, GE Medical Systems  
Linux Programmer  
Windows Programmer